

# Thaw to Surrender When Bail Is Ready, Says His Lawyer

To-Day's Weather—COLDER, PROBABLY SNOW.

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## The Evening World

## FINAL EDITION

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PRICE ONE CENT.

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NEW YORK, WEDNESDAY, JANUARY 10, 1917.

20 PAGES

PRICE ONE CENT.

# "LEAK" INQUIRY ENDS IN FIZZLE; LAWSON MAY ESCAPE PUNISHMENT

## THAW HIDING UNTIL BAIL IS ARRANGED, SAYS LAWYER; WILL FACE FLOGGING CHARGE

Pittsburgh Counsel Announces Client Will Accept Service of Warrant in New York.

NEW EVIDENCE FOUND.

Letters To and From Other Boys in Room Reported Occupied by Thaw Aide.

PITTSBURGH, Jan. 10.—Harry K. Thaw, indicted in New York yesterday for the alleged flogging of Frederick Gump, Jr., a Kansas City youth, is in hiding until bail can be arranged for him.

When told this afternoon that Thaw had luncheon yesterday at Stroudsburg, Pa., close friends of the Thaw family said that while they had received no direct information from him they had "supposed he was in that section of the State until such time as certain matters could be arranged."

At the office of Stone & Stone, attorneys, who have served the Thaw family on other occasions, it was said that in all probability Thaw would accept service of a warrant as soon as the bail could be arranged. Arrangements with that end in view, they "understood," were already proceeding.

A telegram was received at Police Headquarters this afternoon from William H. Black, Acting District Attorney of New York, asking that Thaw be arrested and held on the indictment found against him yesterday. In the absence of Noble Matthews, Superintendent of Police, his secretary replied by telegraph that it would be necessary to have a copy of the indictment before the arrest could be made.

Documentary evidence of Harry K. Thaw's alleged flogging of Frederick Gump Jr. was put in possession of the District Attorney to-day. Letters involving other boys in the case also have been found.

A detective from District Attorney Swann's office, returning from Philadelphia, brought with him a number of papers found in the pockets of Oliver Brower, Thaw's companion there, who was arrested yesterday.

One of the papers is said to be a statement signed by young Gump in which he said he deserved the whippings Thaw gave him and that he liked them. Thaw is said to have forced Gump to sign the paper.

The search for Thaw was extended to every large city in the country after it became apparent that Thaw had left Philadelphia. Thaw's Pittsburgh home is being watched, but Mrs. Mary Copley Thaw, Harry's mother, denies he is or has been there.

EXTRADITION PAPERS ARE DRAWN UP.

Extradition papers were drawn up to-day in the office of District Attorney Swann, requesting Gov. Whitman to demand from the Governor of Pennsylvania the arrest and return of Thaw to this city.

Detective Cunniffe, who arrested Brower in Philadelphia, said it was significant that Val O'Farrell, Thaw's detective, was on the ground when he arrived at the Bellevue-Stratford.

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## MORSE LOST SHIPS BECAUSE MORGAN TOOK WRONG SEAT

Testifies That Mellen Told Him How Banker's Place at Table Influenced Directors.

How the elder J. P. Morgan's position at the table at meetings of the board of directors of the New York, New Haven and Hartford Railroad influenced the decision of the other directors was told to-day under oath by Charles W. Morse as a witness in the Court of Chancery, Newark, N. J. The proceeding was instituted by Mr. Morse's sister, Miss Jennie Morse, to have a receiver appointed for the Metropolitan Steamship Company, of which she is a stockholder, on the ground that the company is being mismanaged.

Mr. Morse told of offering President Mellen of the New York, New Haven and Hartford \$13,000,000 for the Bunker Hill, Massachusetts, Old Colony, and a number of other vessels operated on Long Island Sound by the railroad. Mr. Mellen wanted \$20,000,000 and Mr. Morse went to seek the influence of J. Pierpont Morgan.

"I saw Mr. Morgan in his library," said Mr. Morse. "He promised he would help me get the steamships. I didn't hear anything more about it for some time, so I went to see Mr. Mellen and asked him why the deal had not been put over in accordance with Mr. Morgan's wishes.

"The deal wasn't put over, but Mr. Morgan's wishes were carried out," Mr. Mellen told me. "You see, we are in a peculiar position in regard to Mr. Morgan. When we have a meeting of the directors I sit at the head of the table. If Mr. Morgan wants the matter before the meeting endorsed he sits at my right. If he doesn't want it endorsed he sits at my left. The vote always goes as Mr. Morgan sits—yes if he is at my right, no if he sits at my left. Now, when the matter of turning the steamship lines over to you came up Mr. Morgan sat at my left hand."

Mr. Morse was asked what caused his failure and the failure of his banks in 1907. He explained as follows:

"When the United States Government came to the rescue in the 1907 panic by supplying funds from the Treasury those funds were entrusted only to banks controlled by J. P. Morgan. These banks helped a favored few, and I wasn't one of the favored few."

NOT IN 'CHANGE SEAT YET.

Receiver Lynch Refuses to Take \$50 Bid by Movie Man.

Joseph Weinstein, a Park Row movie manager, who bought the Stock Exchange seat of Albert Gallatin Wheeler at auction last week for \$50, will not appear on 'Change for awhile. He offered the \$50 to-day to James A. Lynch, receiver for Mr. Wheeler, and Mr. Lynch refused to take the money, saying he did not think the court will approve the sale.

Mr. Weinstein says he will fight for the seat in the courts and that he has already refused \$50,000 offered for it by Frank I. Cohen, former Commissioner of Public Works of Edinburgh, now staying at the Hotel Ansonia.

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## U. S. HOLDS LABOR, LIKE CARS, IS PART OF TRANSPORTATION

"Congress Supreme With Power Over Movement of Commerce," Says Hagerman.

INSISTS ON WAGE RIGHT.

Justices Take Part In Proceedings as Debate on Eight-Hour Law Closes.

WASHINGTON, Jan. 10.—Final arguments over the constitutionality of the Adamson eight-hour law were heard to-day in the Supreme Court. Special Assistant Attorney General Hagerman closed the case for the Government. The Justices continued to question the attorneys and often interrupted arguments. In no other case of recent months has the court taken such a large part in the proceedings.

Maintaining the power of Congress to pass the law, Mr. Hagerman said it can be operated temporarily, like the Interstate Commerce Commission temporarily regulates rates.

"It is done by the Interstate Commerce Commission in daily practice," said Mr. Hagerman. "There's no claim that this law is confiscatory. Congress acted in its discretion—a discretion with which the Judiciary has no power to interfere."

"No one suggests that the court substitute its discretion for that of Congress," interrupted Chief Justice White.

The Federal Employers' Liability. Hours of Service, Pilotage and other laws were cited by Mr. Hagerman and Justice Pitney asked if these laws were analogous to rate regulation.

Mr. Hagerman replied: "I'll admit the question in this case goes a little further than you have heretofore decided. You have said in other cases (by inference) that the power of Congress exists to fix the wage."

"I'm not saying the question is at all applicable," the Chief Justice interrupted, "but could a State Legislature, in regulating real estate transfers, fix the price for which every man should sell his house?"

Justice Pitney asked: "Can Congress force men to work against their will for wages they may not be satisfied with?"

Mr. Hagerman gave his opinion that Congress has power to enact compulsory arbitration legislation "if necessary for the movement of trains."

That railroad workmen are just as much a part of transportation as cars or locomotives was contended by Mr. Hagerman, saying: "The pay of men has a direct bearing on effectiveness of transportation. In everything that concerns the movement of trains—engines, cars and what not—Congress is supreme with power to regulate anything that deals with the movement of commerce."

In the interest of efficient and safe transportation, the attorney argued, the public has an interest in employees receiving an adequate wage.

"Is it your view, that Congress can go so far as to appoint railroad officers and directors?" asked Justice Pitney.

"If a carrier abuses its trust," Mr. Hagerman answered, "the public is entitled to the use of the road and could have a court take hold by receivers."

Regarding the power of Congress to prevent strikes, Justice McReynolds asked: "If the Debs case, could Congress have ordered the railroads to pay Debs \$50,000 to stop a strike?"

"I believe Congress could," Mr. Hagerman answered. He closed by quoting: "While the light still burns, the vilest sinner may return."

## PRESIDENT SMILES AS HE PASSES BY SUFFRAGE PICKETS

Twelve "Silent Sentinels" Begin Guard Duty at Gates to the White House.

3,000 THERE MARCH 5.

Will Increase Number Until Inauguration Day—Police Not to Interfere.

WASHINGTON, Jan. 10.—Women suffragists to-day began their "silent picketing" of the White House. Twelve women from the Congressional Union for Women Suffrage appeared at the two main gates of the White House grounds carrying suffrage banners inscribed: "Mr. President, what will you do for Women Suffrage?"

White House officials said nothing would be done about it so long as the women created no disturbance or attempted to enter the White House.

Each of the women wore a white, purple and yellow sash. They stood at attention, three on each side of the main gates.

Suffrage leaders announced that the picketing would be maintained from 10 o'clock each morning until 6 o'clock in the evening. The "silent sentinels" will be relieved every three hours. The announced purpose of the picketing is to make it impossible for President Wilson to enter or leave the White House without being confronted with reminders of the suffrage cause.

An idea of the earnestness with which the Suffragists intend to go into their picketing of the White House came this afternoon when it was announced the sentinels would be gradually increased until 3,000 will surround the Mansion grounds by Inauguration Day, March 5.

Just before the pickets appeared this morning the President went out to golf. Although groups of men and women quickly gathered about the pickets, they refused to enter into any conversation. As the President returned to the White House from the golf links, he smiled at the silent sentinels.

The first squad of silent Suffrage sentries was led by Miss Vivian Pearce of California, with a bodyguard including the Misses Mildred Gilbert and Bert A. Cronin, both of California.

Others on picket duty were Mrs. M. C. Dwyer, Philadelphia; the Misses Joy Young, Elizabeth Smith and Winifred Frances Pepper, District of Columbia; Miss Maude Jamieson, Norfolk, Va.; Mrs. Bessie Papandre, California; the Misses Augusta and Gertrude Crocker, Illinois; and Mary Gertrude Fendall, Baltimore.

## COLD WAVE ON THE WAY WITH GALES AND SNOW

First Touch of It Will Be Felt To-Night, Says the Weather Man.

Those who have been deluding themselves into the belief that New York has become semi-tropical are due for a pronounced chill, for a cold wave is on the way from Cincinnati or thereabouts and a big windstorm is hurrying up the Atlantic coast. Within from twenty-four to thirty-six hours New York is to be visited by gales, rain, snow and a long downward slide in the temperature.

Storm warnings were sent out at 10 o'clock this morning to all stations along the Atlantic Coast, from the Virginia Capes to Eastport, Me. The Weather Bureau forecasts a cold wave of several days' duration, blanketing Tennessee, the Ohio Valley and the lake regions and the Middle Atlantic and New England States. Our first touch of the change will be felt to-night, the weather man says, in the buffeting of a northwest gale.

## FRED GUMP JR., BOY WHOSE CHARGES LED TO CHASE OF THAW



## 'BUFFALO BILL,' NOTED SCOUT AND SHOWMAN, IS DEAD

Rallied Several Times in Hard Fight for Life After Doctors Declared Dead Near.

DENVER, Jan. 10.—William F. Cody (Buffalo Bill), noted plainsman and scout, died at 2:05 P. M. (Eastern time) to-day. He had been ill for a number of weeks, and several times his physicians announced death was near. Col. Cody, however, made a hard fight for life and rallied after each announcement of his approaching death.

With Col. Cody when he died were his wife and daughter, who had hurried down from Cody, Wyo., the family home, last week, to be at his bedside, and his sister, Mrs. L. E. Decker of Denver.

Col. Cody was born in Scott County, Ia., in 1846. He won the name of "Buffalo Bill" from the fact that in 1867, while carrying out a contract to feed the laborers then building the Kansas Pacific Railroad, he killed 4,280 buffalo within eighteen months and furnished their steaks to the layers of ties and rails.

## AMELIA BINGHAM DEFIES ATTEMPT AT EVICTION

Her Brokers Ask Court to Order Her to Vacate Her Residence on Riverside Drive.

Steps to force Amelia Bingham, the actress, to vacate her home at No. 163 Riverside Drive, which, because of its old white marble statuary is one of the sights of the Drive, were taken in the Supreme Court to-day. Former brokers for Mrs. Bingham who handled her margin accounts on Wall Street, made the application.

The brokers are Thomas M. McKee and William H. Schubert, and to them Mrs. Bingham gave a mortgage for \$25,000 on the Riverside Drive home to cover a shortage of \$25,000 in her margin account, then overdue.

Henry Keale, who was appointed receiver of the Bingham residence, told the court to-day that Mrs. Bingham had refused both to leave the house or pay rent at the rate of \$250 a month, which real estate experts said was a reasonable value.

## STEAMSHIP FROM U. S. IS REPORTED SUNK

Word Reaches New Orleans of the Destruction of Leyland Liner Alexandria.

NEW ORLEANS, Jan. 10.—The Leyland Line steamer Alexandria has been torpedoed and sunk, presumably near the English coast, according to a message received by the line's local officials to-day.

The Alexandria sailed from New Orleans Dec. 21 for Liverpool and carried about 7,000 bales of cotton, in addition to miscellaneous cargo.

## WAX AND OSBORNE ARE POSED BEFORE SAFFORD'S JURORS

"Oliver" and James W. Placed Shoulder to Shoulder at the Perjury Trial.

WAX AGAIN PICKED OUT.

Woman Identifies Him as Former Lodger—Plan of Defense Fails.

Shoulder to shoulder, and squared away to withstand the scrutiny, James W. Osborne and Charles H. Wax, who says he was the "Oliver Osborne" of many fond adventures, stood to-day before the jury which is hearing the trial of Franklin S. Safford, charged with perjury in swearing that James W. Osborne registered as "O. Osborne" at a Plainfield hotel on a Sunday in October, 1914, the day Rae Tanner says she was there with James W. Osborne.

William A. Rand, special prosecutor for the government, called to Mr. Osborne as he was crossing the court room.

"Just stay here a moment, Mr. Osborne. I shall need you. Please call Charles H. Wax."

Wax came in with a swagger but without a smile and was directed to stand close to the jury rail, facing the jurors.

"Now, Mr. Osborne, and please take off your glasses."

The lawyer loosened the gold bows from his case, squinted his eyes a moment, stepped beside Wax and squared himself up, his left shoulder touching Wax's right.

"Stand there so the jury can have a good look at both of you," Mr. Rand said.

For about thirty seconds Mr. Osborne and "Oliver Osborne," the confessed ladies' man and former plumber who stared with evident interest and appraisal at the pair. The two looked just as if they were having their pictures taken, so still did they stand. And then, just as the photographer had said, "That's all, thanks," they relaxed their poses and the "picture" had been taken on the retina of the jury.

Wax went back to Marshall McCarthy's "strong room" and Mr. Osborne took a seat in the courtroom.

A moment later Rae Tanner, accompanied by a woman friend, came into court and took a seat beside the judge's bench. She was there under subpoena by Mr. Rand, but was not permitted to remain in the courtroom, but was sent to another room to await summons for the purpose of identification.

Before these proceedings Wax was positively identified by Mrs. Stewart Denham as the man who, as "Oliver Osborne," was a lodger in her house, No. 161 East Sixtieth Street. Wax was required by Mr. Rand to stand within six feet of Mrs. Denham as she might be sure of her identification.

Wax looked at her stolidly, the usual smile missing, and in two minutes after he entered Judge Hand's court room was on his way back to United States Marshal McCarthy's office to await the calling of the next witness to be asked to identify him.

Before Mrs. Denham was called to the stand as the first witness of the day, the motion made by Safford's attorney to dismiss the indictment against him on the ground that a U. S. Commissioner was not authorized by law to take an oath, was overruled by Judge Hand, after two days' deliberation. It was a defeat of the attempt of the defense to bring about a

(Continued on Fifth Page.)

## NOT A TRACE OF EVIDENCE FOUND IN THE HUNT FOR TIP ON PRESIDENT'S PEACE NOTE

Wilson's Brother-in-Law, Broker in Washington, Denies He Got Advance Tip—Expected an Apology From Representative Wood.

## TICKERS SHOW NO RECORD OF "LEAK" FROM CAPITAL

By Samuel M. Williams. (Special Staff Correspondent of The Evening World.)

WASHINGTON, Jan. 10.—Inquiry by the House Rules Committee into the alleged peace note "leak" fizzled out to-day at noon and the Committee went into executive session to decide what to do next. Members were unanimously of the opinion that no evidence of any "leak" from Government officials, departments or newspaper offices has been disclosed, and the only possible basis for any further proceedings are the extravagant charges of Thomas W. Lawson, who declines to give names of specific facts.

No formal action was taken by the committee in the executive session. The members stated at its close that the Wood resolution, favoring a further Congressional investigation, probably would be adversely reported to the House.

## B. R. T. OFFICIALS ARE ARRESTED FOR RUNNING COLD CARS

President Williams Is Among Those Accused by Brooklyn District Attorney.

On request of District Attorney Lewis, Magistrate Esterbrook in the Adams Street Police Court, Brooklyn, issued warrants to-day for the arrest of Col. Timothy J. Williams, President of the Brooklyn Heights Railroad Company; Charles D. McNeely, President of the Nassau Railway Company; John H. Hallock, President of the Brooklyn Union Elevated Company—all parts of the B. R. T. system—Slaughter H. Huff, Vice President of the Brooklyn Heights Company; John J. Dempsey, Superintendent of the elevated lines; William Siebert, Superintendent of the surface lines, and Charles Roehl, electrical engineer of the B. R. T.

All are accused of violating an order of the Public Service Commission requiring that street cars be heated when the thermometer is below 40 degrees.

Huff, Dempsey, Siebert and Roehl surrendered themselves in court. D. A. Marsh and George D. Yoeman, counsel for the B. R. T., promised to produce Williams, McNeely and Hallock. The warrants were not actually served, but were issued for the purpose of the record.

Huff, Dempsey, Siebert and Roehl entered a plea of not guilty and were paroled in the custody of counsel until next Tuesday when there will be a formal examination.

THE SENSIBLE WAY. Take Father John's Medicine for colds.—Adv.

Correspondents in this city of financial papers added their denials of leaks and presented full records of despatches, ticker tape and publications to prove it.

C. W. Barron, head of the Wall Street Journal, which supplies news to the Dow, Jones & Co. ticker service in New York City, was called to testify about ticker stories carried the day before the peace note was made public.

Mr. Barron produced tapes to show there was no "leak" sent out on the ticker.

W. A. Crawford, head of the local bureau of Central News-*of America*